

# 2006 OHIO CANDIDATE REQUIREMENTS

Statutory Guidelines for 2006  
Candidates for Public Service



Office of the Ohio Secretary of State

Get more information at: [www.OhioSpirit.org](http://www.OhioSpirit.org)





Dear Ohio Candidate:

As you commence or continue your run for public office, I know the number of requirements you must meet and adhere to can seem overwhelming. In general, these requirements are mandated to help ensure a democratic political process that is consistent and fair. This booklet is designed to guide you through these requirements and meet the deadlines you face as a candidate for public service. However, it remains each candidate's responsibility to know and comply with all legal requirements affecting one's candidacy.

Inside, you will find information about the officers being elected in 2006. You also will see guidelines regarding the Ohio election process, as well as an election calendar to assist you in meeting necessary deadlines. You may contact our Elections Division at (614) 466-2585 with questions or requests for additional information.

As you embark on a campaign for your chosen elective office, you begin a journey that can change our world. Serving the public is indeed a privilege and an invigorating career. I wish you well in your endeavors.

Sincerely,

A handwritten signature in blue ink that reads "J. Kenneth Blackwell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. Kenneth Blackwell  
Secretary of State

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## GENERAL REQUIREMENTS FOR 2006 CANDIDATES

In 2006, candidates in Ohio will run for federal, state, district and county offices. This guide has been compiled to provide candidates with the basic information necessary to file for office. Please note that this is only a brief summary and should not be regarded as a complete digest of laws affecting candidates. The requirements outlined in this summary are accurate as of November 1, 2005. Subsequent legislative or judicial action may change these requirements. Candidates are responsible for knowing and complying with all legal requirements affecting their candidacies.

### **Prohibitions against multiple candidacies:**

Ohio's election laws prohibit a person from seeking nomination or election to any two or more federal, state\* or county offices or positions at the same election. (R.C. 3513.052, 3513.04, 3513.041, 3513.05, 3513.257(C) and 3513.259)

\*"State office" means the six statewide executive offices, member of the state board of education, member of the general assembly, and member of the Ohio Supreme Court. [R.C. 3513.052(H)(1)]

Ohio's election law also provides that no person whose candidacy for party nomination is voted upon at the May 2 primary election is allowed to become a candidate by nominating petition or by declaration of intent to be a write-in candidate at the November 7 election for any office other than member of the state board of education. (R.C. 3513.041)

For further information, including which political parties are recognized in Ohio, contact your county board of elections or call the Secretary of State's elections division at (614) 466-2585.

**Note:** As used herein, "R.C." refers to the Ohio Revised Code and "OH Const." refers to the Ohio Constitution.

## FEDERAL OFFICES

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Candidates for federal office also must comply with federal law. For more information, contact the Federal Elections Commission at 800-424-9530 or at [www.fec.gov](http://www.fec.gov).

### U.S. Senator

#### **TERM:**

Six years beginning January 3, 2007. (U.S. Const. Art. I §3, Am. XVII, Am. XX § 1)

#### **QUALIFICATIONS**

##### **Residency Requirement:**

Must be an inhabitant of the state from which elected. (U.S. Const. Art. I, §3)

##### **Minimum Age:**

30 years (U.S. Const. Art. I, §3)

##### **Other**

Must be a U.S. citizen for nine years prior to election (U.S. Const. Art. I, §3)

##### **Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

##### **Filing Fee:**

\$150 (R.C. 3513.10(A), (B))

##### **Petition Form Numbers:**

2-AB for party candidates

3-AB for independent candidates

##### **Filed With:**

Secretary of State's Elections Division-Columbus (R.C. 3513.05, 3513.257, 3513.261)

##### **Signature Requirements:**

(R.C. 3513.05, 3513.257)

1. Major party candidates: 1,000 signatures
2. Intermediate or minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures



# U.S. Representative

**TERM:**

Two years (U.S. Const. Art. I,§2, U.S. Const. Am. XX §1)

**QUALIFICATIONS**

**Residency Requirement:**

Must be an inhabitant of the state from which elected. (U.S. Const. Art. I, §2)

**Minimum Age:**

25 years (U.S. Const. Art. I, §2)

**Other**

Must be a U.S. citizen for seven years prior to election. (U.S. Const. Art. I, §2)

**Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

**Filing Fee:**

\$85 (R.C. 3513.10(A), (B))

**Petition Form Numbers:**

2-B for party candidates

3-B for independent candidates

**Filed With:**

Board of elections of the most populous county within the congressional district (R.C. 3513.05, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

- 1. Major party candidates: 50 signatures
- 2. Intermediate or minor party candidates: 25 signatures
- 3. Independent candidates: Based on the number of votes cast in the congressional district in the last general election for governor:

Number of votes cast:	Number of signatures:
Fewer than 5,000	25, or 5 percent of vote (whichever is less)
5,000 or more	1 percent of vote

# STATEWIDE EXECUTIVE OFFICES

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## Governor and Lieutenant Governor (Joint Candidates)

Candidates for governor and lieutenant governor run as joint candidates. They must circulate and file a joint petition. A petition for the office of governor, alone, or the office of lieutenant governor, alone, cannot be filed. (R.C. 3513.04, 3513.05, 3513.257)

### TERM:

Four years (OH Const. Art. III, §2)

### QUALIFICATIONS

#### Residency Requirement:

Must be a resident of the state and a qualified elector. (OH Const. Art. V, §1, OH Const. Art. XV, §4)

#### Minimum Age:

18 years (OH Const. Art. V, §1, OH Const. Art. XV, §4)

#### Filing Deadlines:

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

#### Filing Fee:

\$150 (R.C. 3513.10(A), (B))

#### Petition Form Numbers:

#2-W for party candidates

#3-W for independent candidates

\*#14 “Statement of Receiving or Providing Compensation for Circulating a State Candidate Petition”

#### \*Note:

Any person who will receive compensation for supervising, managing, or otherwise organizing any effort to obtain signatures for a declaration of candidacy or nominating petition for a person seeking to become a candidate for a state executive office shall file Secretary of State Form 14 with the Elections Division of the Secretary of State *before* any signatures are obtained for the petition, or *before* the person is engaged to supervise, manage, or otherwise organize the effort to obtain signatures for the petition, whichever is later.

**Filed With:**

Secretary of State's Elections Division-Columbus (R.C. 3513.05, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

1. Major party candidates: 1,000 signatures
2. Intermediate or minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

## **Attorney General, Auditor of State, Secretary of State, Treasurer of State**

**TERM:**

Four years (OH Const. Art. III, §2)

**QUALIFICATIONS****Residency Requirement:**

Must be a resident of the state and a registered voter. (OH Const. Art. XV, §4)

**Minimum Age:**

18 years (OH Const. Art. V, §1, OH Const. Art. XV, §4)

**Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

**Filing Fee:**

\$150 (R.C. 3513.10(A), (B))

**Petition Form Numbers:**

#2-A for party candidates

#3-A for independent candidates

\*#14 "Statement of Receiving or Providing Compensation for Circulating a State Candidate Petition"

**\*Note:**

Any person who will receive compensation for supervising, managing, or otherwise organizing any effort to obtain signatures for a declaration of candidacy or nominating petition for a person seeking to become a candidate for a state executive office shall file Secretary of State Form 14 with the Elections Division of the Secretary of State *before* any signatures are obtained for the petition, or *before* the person is engaged to supervise, manage, or otherwise organize the effort to obtain signatures for the petition, whichever is later.

**Filed With:**

Secretary of State's Elections Division-Columbus (R.C. 3513.05, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

1. Major party candidates: 1,000 signatures
2. Intermediate or minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

## **GENERAL ASSEMBLY CANDIDATES**

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### **Senator, Representative**

**TERMS:**

Senator: Four years (OH Const. Art. II, §2)

Representative: Two years (OH Const. Art. II, §2)

**QUALIFICATIONS****Residency Requirement:**

Must be a resident of the district for one year immediately preceding the election, unless absent on the public business of the United States or of this State, and be a registered elector. (OH Const. Art. II, §3, Art. XV, §4, R.C. 3.15)

**Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

**Filing Fee:**

\$85 (R.C. 3513.10(A), (B))

**Petition Form Numbers:**

#2-B for party candidates

#3-B for independent candidates

**Filed With:**

Board of elections of the most populous county within the district (R.C. 3513.05, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

1. Major party candidates: 50 signatures

2. Intermediate or minor party candidates: 25 signatures
3. Independent candidates: Based on the number of votes cast in the district in the last general election for governor:

<b>Number of votes cast:</b>	<b>Number of signatures:</b>
Fewer than 5,000	25, or 5 percent of vote (whichever is less)
5,000 or more	1 percent of vote

## **STATE BOARD OF EDUCATION CANDIDATES**

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### **TERM:**

Four years (R.C. 3301.02(B))

### **QUALIFICATIONS**

#### **Residency Requirement:**

Must be a resident of the district and a registered elector. (OH Const. Art. XV, §4, R.C. 3301.03)

#### **Other:**

Shall not, during the term of office, hold any other public position of trust or profit, or be an employee or officer of any public or private school, or a public or private college, university or other institution of higher education. (R.C. 3301.03)

#### **Filing Deadline:**

By 4 p.m. on August 24, 2006 (75th day before the general election). (R.C. 3513.259)

#### **Filing Fee:**

\$55 (R.C. 3513.10(A), (B))

#### **Petition Form Number:**

#3-U

#### **Filed With:**

Board of elections of the most populous county within the district (R.C. 3513.259)

#### **Signature Requirements:**

100 signatures (R.C. 3513.259)

# COUNTY OFFICES

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## Commissioner, Auditor

**TERM:**

Four years (R.C. 305.01, 319.01)

**QUALIFICATIONS**

**Residency Requirement:**

Must be a resident of the county and a registered elector. (OH Const. Art. XV, §4, R.C. 3.15)

**Filing Deadline:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

**Filing Fee:**

\$80 (R.C. 3513.10(A), (B))

**Petition Form Numbers:**

#2-C for party candidates

#3-C for independent candidates

**Filed With:**

County board of elections (R.C. 3513.05, 3513.08, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

- 1. Major party candidates: 50 signatures
- 2. Intermediate or minor party candidates: 25 signatures
- 3. Independent candidates: Based on the number of votes cast in the county in the last general election for governor:

**Number of votes cast:**

Fewer than 5,000

5,000 or more

**Number of signatures:**

25, or 5 percent of vote (whichever is less)

1 percent of vote

# JUDICIAL CANDIDATES

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## Supreme Court Justice

### **TERM:**

Six years (OH Const. Art. IV, §6, R.C. 2503.03)

### **QUALIFICATIONS**

#### **Maximum Age:**

Not yet 70 years old as of the day when assuming office. (OH Const. Art. IV, §6)

#### **Residency Requirement:**

Must be a resident of Ohio and a registered elector. (OH Const. Art. XV, §4, R.C. 2701.04)

#### **Other:**

Must be admitted to practice as an attorney at law in this state, and for, a total of at least six years preceding the commencement of the term, have either been engaged in the practice of law in Ohio or served as a judge of a court of record in any jurisdiction in the U.S. (R.C. 2503.01, 2503.02)

#### **Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

#### **Filing Fee:**

\$150 (R.C. 3513.10(A),(B))

#### **Petition Form Numbers:**

#2-AB for party candidates

#3-AB for independent candidates

#### **Filed With:**

Secretary of State's Elections Division-Columbus (R.C. 3513.05, 3513.08, 3513.257, 3513.261)

#### **Signature Requirements:**

(R.C. 3513.05, 3513.257)

1. Major party candidates: 1,000 signatures
2. Intermediate or minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

# Court of Appeals Judge

**TERM:**

Six years (R.C. 2501.02)

**QUALIFICATIONS**

**Maximum Age:**

Not yet 70 years old as of the day when assuming office. (OH Const. Art. IV, §6)

**Residency Requirement:**

Must be a resident and a registered elector of the territory of the court. (OH Const. Art. XV, §4, R.C. 2701.04)

**Other:**

Must be admitted to practice as an attorney at law in this state, and, for a total of at least six years preceding the commencement of the term, have either been engaged in the practice of law in Ohio or served as a judge of a court of record in any jurisdiction in the U.S. (R.C. 2501.02)

**Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

**Filing Fee:**

\$80 (R.C. 3513.10(A), (B))

**Petition Form Numbers:**

#2-B for party candidates

#3-B for independent candidates

**Filed With:**

Board of elections of the most populous county within the appellate district (R.C. 3513.05, 3513.08, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

- 1. Major party candidates: 50 signatures
- 2. Intermediate or minor party candidates: 25 signatures
- 3. Independent candidates: Based on the number of votes cast in the appellate district in the last general election for governor.

Number of votes cast:	Number of signatures:
Fewer than 5,000	25, or 5 percent of vote (whichever is less)
5,000 or more	1 percent of vote



# Court of Common Pleas Judge

**TERM:**

Six years (R.C. 2301.01)

**QUALIFICATIONS**

**Maximum Age:**

Not yet 70 years old as of the day when assuming office. (OH Const. Art. IV, §6)

**Residency Requirement:**

Must be a resident and a registered elector of the county. (OH Const. Art. XV, §4, R.C. 2701.04)

**Other:**

Must be admitted to practice as an attorney at law in this state, and, for a total of at least six years preceding the commencement of the term, have either been engaged in the practice of law in Ohio or served as a judge of a court of record in any jurisdiction in the U.S. (R.C. 2301.01)

**Filing Deadlines:**

Party candidates: By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

Independent candidates: By 4 p.m. on May 1, 2006 (one day before the primary election). (R.C. 3513.257)

**Filing Fee:**

\$80 (R.C. 3513.10(A), (B))

**Petition Form Numbers:**

#2-C for party candidates

#3-C for independent candidates

**Filed With:**

County board of elections (R.C. 3513.05, 3513.08, 3513.257, 3513.261)

**Signature Requirements:**

(R.C. 3513.05, 3513.257)

- 1. Major party candidates: 50 signatures
- 2. Intermediate or minor party candidates: 25 signatures
- 3. Independent candidates: Based on the number of votes cast in the county in the last general election for governor

Number of votes cast:	Number of signatures:
Fewer than 5,000	25, or 5 percent of vote (whichever is less)
5,000 or more	1 percent of vote

## County Court Judge

### **TERM:**

Six years (R.C. 1907.13)

### **QUALIFICATIONS**

#### **Maximum Age:**

Not yet 70 years old as of the day when assuming office. (OH Const. Art. IV, §6)

#### **Residency Requirement:**

Must be a resident of the county court district and a registered elector. (OH Const. Art. XV, §4, R.C. 1907.13)

#### **Other:**

Must be admitted to practice as an attorney of law in this state, and, for a total of six years preceding the commencement of the term, have been engaged in the practice of law in Ohio. (R.C. 1907.13)

#### **Filing Deadline:**

By 4 p.m. of August 24, 2006 (75th day before the general election). (R.C. 1907.13)

#### **Filing Fee:**

\$80 (R.C. 3513.10(A), (B))

#### **Petition Form Number:**

#3-E

#### **Filed With:**

County board of elections (R.C. 3513.261)

#### **Signature Requirements:**

50, or 1 percent of the number of votes cast in the county court district at the last general election for governor, whichever is less. (R.C. 1907.13)

## **POLITICAL PARTY COMMITTEE MEMBERS**

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### **Major Parties:**

#### **State Central Committee Member**

##### **TERM:**

Two years or four years, depending on party rules (R.C. 3517.03)

##### **QUALIFICATIONS**

###### **Residency:**

Must be a resident of the state senatorial district from which elected and a registered elector. (R.C. 3517.02)

###### **Other:**

Must be a member of the political party represented by the committee. (R.C. 3517.03)

###### **Filing Deadline:**

By 4 p.m. on February 16, 2006 (75th day before the primary election). (R.C. 3513.05)

###### **Filing Fee:**

None

###### **Petition Form Number:**

#2-F

###### **Filed With:**

Board of elections of the most populous county in the state senate district (R.C. 3513.05, 3517.03)

###### **Signature Requirements:**

Five (5) (R.C. 3513.05)

#### **County Central Committee Member**

##### **TERM:**

Two or four years, depending on party rules (R.C. 3517.03)

##### **QUALIFICATIONS**

###### **Residency:**

Must be a resident of the county in which elected and a registered elector. (R.C. 3517.02)

**Other:**

Must be a member of the political party represented by the committee. (R.C. 3517.03)

**Filing Deadline:**

By 4 p.m. on February 16, 2006 (75th day before the primary election).  
(R.C. 3513.05)

**Filing Fee:**

None

**Form Numbers:**

#2-G (Declaration of Candidacy and Petition)

#2-GA (Declaration of Candidacy - No Petition)

**Filed With:**

Board of elections (R.C. 3513.05, 3517.03)

**Signature Requirements:**

#2-G: Five (5) signatures (R.C. 3513.05)

#2-GA: None (R.C. 3513.051)

## **Intermediate Parties:**

## **State Central Committee Members**

**TERM:**

Two years (R.C. 3517.03)

**QUALIFICATIONS****Residency:**

Must be a resident of the congressional district from which elected and a registered elector. (R.C. 3517.02)

**Other:**

Must be a member of the political party represented by the committee. (R.C. 3517.03)

**Filing Fee:**

None

**Filing Deadline:**

By 4 p.m. on February 16, 2006 (75th day before the primary election).  
(R.C. 3513.05)

**Petition Form Number:**

#2-FI

**Filed With:**

Board of elections of the most populous county in the congressional district (R.C. 3513.05, 3517.03)

**Signature Requirements:**

Five (5) (R.C. 3513.05)

**Other Committees:**

An intermediate political party may have such other party organization as its rules provide. (R.C. 3517.03)

## **WRITE-IN CANDIDATES**

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A person desiring to be a write-in candidate at a primary or general election must file with the appropriate election officials a “declaration of intent to be a write-in candidate.” Only write-in candidates who have filed valid declarations of intent will have votes counted in the primary or general election. (R.C. 3513.041)

**QUALIFICATIONS****Generally:**

A write-in candidate must meet all of the eligibility requirements of the office sought. (*See* “Qualifications” under the specific office discussed previously in this publication.)

**Filing Deadlines:**

Primary election: By 4 p.m. on March 13, 2006 (50th day before the primary election).

General election: By 4 p.m. on September 18, 2006 (50th day before the general election).

**Filing Fee:**

Same as any other candidate for the office sought. (*See* “Filing Fees” under the specific office discussed previously in this publication.)

**Form Numbers:**

#13: All offices except federal office and governor and lieutenant governor.

#13B: Joint candidates for governor and lieutenant governor.

#13C: U.S. Congress (House and Senate).

**Filed With:**

Any office to be voted on statewide: Secretary of State’s Elections Division-Columbus. All other offices: Appropriate county board of elections. (*See* “Filed With” under the specific office discussed in this publication.)

**Signature Requirements:**

None (No petition.)

## CANDIDATE FORMS

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Candidate forms (petition, declaration of candidacy - no petition, and declaration of intent to be a write-in candidate) are available from a number of firms in the state that print government forms. Many county boards of elections will provide a candidate with a sufficient number of forms, although boards are not required to provide an unlimited number of forms to a candidate or campaign.

## RULES GOVERNING PETITIONS

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1. The “Statement of Candidacy” portion of each petition paper must be completely filled out and signed by the candidate before being circulated. (R.C. 3513.07, 3513.261)
2. Only qualified electors may sign a petition. An elector’s qualifications are determined as of the date the petition is filed. (R.C. 3501.38 (A))
3. Signatures must be in ink. “Signature” means that person’s written, cursive-style legal mark written in that person’s own hand. (R.C. 3501.38 (B), 3501.011)
4. Signatures must be personally affixed by registered electors who are qualified to vote on the candidacy. The person’s name also may be printed underneath or next to the signature. (R.C. 3501.38)
5. Each signer’s residence address and the date of signing must be placed on the petition after the elector’s signature. (R.C. 3501.38 (C))
6. Petitions for a candidate for party nomination must be signed and circulated by qualified voters who are members of the same political party as the candidate. (R.C. 3513.05)

*An elector is considered to be a member of a political party if the elector voted in the primary election of only that party within the preceding two calendar years, or did not vote in any other party’s primary election within the preceding two calendar years.*

*(R.C. 3513.05)*

7. a. A candidate may circulate his or her own petition, but cannot sign his or her own petition as an elector. For the purpose of circulating his or her own petition, a candidate is exempted from the party affiliation requirements described above. (R.C. 3513.191(C)(4))  
b. A circulator may not sign the same petition paper that he or she is circulating; an otherwise eligible circulator may, however, sign a petition paper being circulated for the same candidacy by a different circulator.
8. After circulating the petition, circulators must sign a statement on each petition paper, under penalty of election falsification:
  - a. Indicating the number of signatures contained on the petition;
  - b. That the circulator witnessed the affixing of each signature on the petition;

- c. That all signers, to the best of the circulator's knowledge and belief, were qualified to sign; and
- d. That each signature is, to the best of the circulator's knowledge and belief, the signature of the person whose signature it purports to be. If a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person's own on a petition paper, that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected, but shall not invalidate the other valid signatures on the paper. (R.C. 3501.38 (E) and (F))
- 9. Once a petition has been filed, it cannot be changed, supplemented or withdrawn. (R.C. 3501.38 (I))
- 10. The original petition with the candidate's original signature must be filed at the same time as all part-petitions are filed. (R.C. 3801.38 (K))
- 11. Each petition paper shall be circulated by one person only, and shall contain signatures of qualified electors of one county only. When petitions are circulated in a district that contains more than one county, separate petition papers must be circulated in each county. (R.C. 3501.38, 3513.05, 3513.07, 3513.261)
- 12. No petition shall contain more than three times the minimum number of required signatures. (R.C. 3513.05, 3513.257, 3513.259)
- 13. All petitions must contain the following statement in boldface capital letters: **"WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."** (R.C. 3501.38(J), 3599.36)
- 14. All petitions remain open for public inspection, under reasonable regulations, at the board of elections in which they were filed. (R.C. 3513.05, 3513.262)

## PROTESTS

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Protests against the candidacy of any person must be in writing, specific, and filed with the board of elections or, if a candidate is to be voted on statewide, the Secretary of State. (R.C. 3513.041, 3513.05, 3513.262, 3513.263)

Protests against party candidates may be made by the controlling committee of that party or by any qualified elector who is a member of the same party as the candidate and who is eligible to vote for the candidate whose petition is the subject of the protest. (R.C. 3513.041, 3513.05)

The last day to file a protest against any party candidate who filed a declaration of candidacy is 4 p.m. on February 27, 2006 (64th day before the primary election). The deadline to protest a write-in candidacy for the primary is 4 p.m. on March 20, 2006 (45th day before the primary election).

Protests against any independent candidate may be made by any registered voter who is eligible to vote for the candidate whose petition is the subject of the protest. The last day to file a protest against any candidate who filed a nominating petition as an independent candidate is 4 p.m. on July 31. (R.C. 3513.262)

The last day to file a protest against any candidate for nonpartisan office is September 5, 2006 (64th day before the general election). (R.C. 3513.263)

The last day to file a protest against a write-in candidate for the general election is 4 p.m. on September 25 (45th day before the general election). (R.C. 3513.041)

After a protest is filed, the board of elections or the Secretary of State, whichever is appropriate, will set a time and place for a public hearing and notify the person whose nomination is protested and the person who filed the protest. (R.C. 3513.05, 3513.262, 3513.263)

## **UNEXPIRED TERMS**

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Each person filing a declaration of candidacy, a nominating petition or a declaration of intent to be a write-in candidate for the unexpired term of any office must designate the date on which such unexpired term will end. (R.C. 3513.08, 3513.28)

## **WITHDRAWAL OF CANDIDACY**

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A candidate may withdraw from the primary or general election by filing a written statement with the appropriate board of elections or, if a candidate is to be voted on statewide, the Secretary of State, any time prior to the election. (R.C. 3513.30)

For a replacement candidate to be named for a withdrawn nominated or certified candidate, the appropriate political party or independent candidate's nominating committee must certify in writing and under oath to the appropriate election official, not later than 4 p.m. on August 23, 2006 (the 76th day before the general election), the name of the person selected to fill the vacancy on the ballot. The certification must be accompanied by the written acceptance of the person whose name is certified. (R.C. 3513.31)

## **CHALLENGERS AND WITNESSES** **(R.C. 3505.21 AND 3506.13)**

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Challengers and witnesses may be appointed for each precinct or tabulating



location, respectively, by any political party that is supporting candidates on the ballot, or by a group of five or more candidates, or by a committee recognized by the board of elections pursuant to law as supporting or opposing a ballot issue.

Challengers are appointed to serve from the time the polling place opens until it closes. Challengers are allowed to remain in the polling place after the polls close to observe the processing of ballots. Witnesses observe the counting of the ballots after the polls close. (R.C. 3505.21, 3506.13) The same person may serve as both a challenger and a witness.

## **APPOINTMENT**

**Initial:** All challengers and witnesses must be appointed in writing using forms prescribed by the Secretary of State. The names and addresses of the appointees, and the polling place or ballot tabulation site at which they will serve, must be provided using a properly completed and signed SoS Form 214 (“Notice of Appointment or Amendment of Appointment of Witnesses and Challengers”), which must be filed with the board of elections of the appropriate county by 4 p.m. on the 11th day before the election.

**Amendment:** SoS Form 214 also must be used to file, by the close of business the day before the election, any amendment to the originally-filed “Notice of Appointment.”

### **1. Appointments by a Political Party**

The chair and secretary of a party controlling committee that timely filed SoS Form 214 must sign and issue a completed certificate of appointment to each challenger (SoS Form 215) and witness (SoS Form 216), who files the certificate with election officials at the appropriate polling place or tabulation site, respectively.

### **2. Appointments by a Group of Five or More Candidates**

The five or more candidates who timely filed SoS Form 214 must sign and issue a completed certificate of appointment to each challenger (SoS Form 217) and witness (SoS Form 218), who files the certificate with election officials at the appropriate polling place or tabulation site, respectively.

### **3. Appointments by a Recognized Ballot Issue Committee**

First, a committee supporting or opposing an issue on the ballot must file with the board of elections SoS Form 220 (Petition to be Recognized to Appoint Witnesses and Challengers). Then, a recognized ballot issue committee timely files a completed SoS Form 214 and issues a properly completed certificate of appointment to each challenger (SoS Form 221) and witness (SoS Form 222), who files the certificate with election officials at the appropriate polling place or tabulation site, respectively.

## **RESTRICTIONS**

No uniformed peace officer, state highway patrol trooper, member of any fire department, the armed services or the organized militia, no person wearing any other uniform, and no person carrying a firearm or other deadly weapon shall serve as a witness or challenger. A candidate may not serve as a challenger or witness unless the candidate also is a member of the party controlling committee and has been appointed by the party.

Challengers and witnesses must sign an oath administered by a judge of elections. Challengers and witnesses may not be compensated by the county, city, village or township. (R.C. 3505.21)

Witnesses may be designated to be present at the official canvass of votes. (R.C. 3505.32)

## **RECOUNTS AND CONTESTS**

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### **Recounts (R.C. 3515.01 - .07)**

Recounts of election results may be required by law (R.C. 3515.011) or requested by eligible candidates or voters. (R.C. 3515.01)

If the difference between the declared winning and losing candidates, or winning and losing question or issue (other than statewide candidates or statewide questions or issues), is equal to or less than a margin of 1/2 of 1 percent of the total vote for that office or issue, a recount will be ordered automatically. The cost of conducting the recount is publicly funded, and no deposit is required. (R.C. 3515.011)

If the margin is greater than 1/2 of 1 percent of the total vote, a losing candidate (other than a statewide candidate) or a group of five or more qualified electors who voted on a question or issue that was on the ballot (other than a statewide question or issue) may request a recount. In order for the recount to be conducted, the candidate or group must file a written application for the recount of the votes cast in any or all of the precincts where that candidacy or issue appeared on the ballot. The application must:

1. Be filed within five days after the board of elections certified the results of the election;
2. List the precinct(s) that the candidate wishes to have recounted; and
3. Be accompanied by a \$10 fee for each precinct to be recounted.

(R.C. 3515.01, 3515.011, 3515.02, 3515.03, 3515.071)

### **Contest of Election (R.C. 3515.08 - .16)**

A declared defeated candidate, or at least 25 voters who voted for or against the candidate or for or against the issue being contested, may contest an election by instituting a judicial proceeding within 15 days after the election has been certified. If a recount is conducted, the contest must be filed within 10 days after the recount is certified. The contest procedure is set forth in R.C. 3515.08 - 3515.16.

## **CAMPAIGN FINANCE REPORT**

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Each candidate will receive materials from the board of elections pertaining to campaign finance reporting at the time the candidate files his or her petition of candidacy. (R.C. 3517.11)

A “Designation of Treasurer” (Form 30-D) must be filed prior to the receipt or expenditure of any contributions, including personal funds spent by the candidate used to further the campaign (except for payment of the candidate’s filing fee from the candidate’s personal funds). (R.C. 3517.10)

## **CAMPAIGN LITERATURE**

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Campaign literature issued by a candidate’s campaign committee must state “paid for by” followed by the name of the committee and the residence or business address of the candidate, chairperson, treasurer or secretary of the campaign committee and must be located in a conspicuous place, unless the information is contained within the communication.

If more than one piece of printed matter is mailed as a single packet, the disclaimer requirement is considered to be met if one of the pieces of printed matter contains the disclaimer. (R.C. 3517.20)

Exceptions to the disclaimer requirement have been granted by rule of the Secretary of State for specified articles. Specific exemptions for articles may be requested by sending a written request to the Office of the Secretary of State, Legal Division, 180 E. Broad St, 16th Floor, Columbus, OH 43215. The request should include the requestor’s name, address, telephone number and a full description of the item for which the exemption is requested, including the item’s measurements and material.

Each candidate, at the time of filing a declaration of candidacy, nominating petition or declaration of intent to be a write-in candidate, will receive a copy of Section 3517.21 of the Ohio Revised Code, which prohibits certain unfair political campaign activities. (R.C. 3513.33)

## PERSONAL FINANCIAL DISCLOSURE STATEMENT

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Any individual who becomes a candidate for or holds a state, county, or city elected office, or the position of school board member in a school district with more than 12,000 students average daily membership, is required to file a personal financial disclosure statement. All public officials and candidates for elected office file statements with the Ohio Ethics Commission, except members of and candidates for the General Assembly (who file with the Joint Legislative Ethics Committee (JLEC)) and judges (who file with the Board of Commissioners on Grievances and Discipline of the Supreme Court).

The filing deadline for candidates is 30 days prior to the earliest election in which their candidacy is to be voted upon. For example, the filing deadline is April 2, 2006 for a candidate in the May 2, 2006 primary. The deadline for write-in candidates is 20 days prior to the earliest election in which their candidacy is to be voted upon. The filing deadline is April 12, 2006 for a write-in candidate in the May 2, 2006 primary. The filing deadline is prior to any election; thus, a candidate is required to file the statement regardless of whether he or she wins the election, and regardless of how much is spent on the campaign.

Also, all persons, who are appointed to fill a vacancy for an unexpired term in an elected office for which financial disclosure is required, must file within 15 days after they are sworn into office.

Individuals who fail to file the required statement are subject to criminal penalties, and those who file after the appropriate filing deadline incur a late filing fee.

The Ohio Ethics Commission provides blank financial disclosure statements to county boards of elections for distribution to candidates for, and persons appointed to fill an unexpired term of, elected office (members of and candidates for the General Assembly file statements provided by JLEC). Persons are required to acknowledge receipt of the statement in writing. A copy of a blank statement can also be found on the Commission's Web site at [www.ethics.state.oh.us](http://www.ethics.state.oh.us).

If you need further information, call the Ohio Ethics Commission at (614) 466-7090, or view the Commission Web site: [www.ethics.state.oh.us](http://www.ethics.state.oh.us).

# 2006 OHIO ELECTION CALENDAR

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*(Abridged)*

## **Primary Election:**

May 2, 2006

## **General Election:**

November 7, 2006

\* The statutory deadline falls on a day when the offices of the Secretary of State and boards of elections are closed. The following dates reflect the extended deadline given, pursuant to R.C. 1.14:

February 16 - Declarations of candidacy for partisan candidates must be filed by 4 p.m. (75 days before the primary) R.C. 3513.04, .05, .051, .08

February 23 - Boards of elections must certify validity and sufficiency of partisan candidates' petitions (68 days before the primary)  
R.C. 3513.05

February 27- Protests against a partisan candidate's petition must be filed by 4 p.m. (64 days before the primary) R.C. 3513.05

March 13 - Write-in candidates for primary must file declarations of intent by 4 p.m. (50 days before the primary) R.C. 3513.041

\*March 20 - Protests against a write-in candidate must be filed by 4 p.m. (45 days before the election) R.C. 3513.041

\*April 3 - Voter registration closes for primary election only (30 days before the primary) R.C. 3503.19

April 20 - Pre-primary election campaign finance reports due by 4 p.m. (12 days before the primary) R.C. 3517.10

April 21 - Deadline for filing challengers and witnesses appointments for primary election (11 days before the primary) R.C. 3505.21

April 29 - Applications by mail for primary election absentee ballots due by noon (three days before the primary) R.C. 3509.03, .031, .08, 3511.02

May 1

- Nominating petitions for independent candidates must be filed by 4 p.m. (day before the primary) R.C. 1901.07, 3513.257

- Absentee ballots may be voted at the board of elections until close of regular business hours (day before primary) R.C. 3509.03

- Amendments to challengers and witnesses appointments due by 4 p.m. (day before the primary) R.C. 3505.21

## **May 2 - Primary Election**

June 9 - Post-primary election campaign finance report due by 4 p.m. (38 days after the primary) R.C. 3517.10

- July 15 - Board of elections must certify independent candidate petitions  
R.C. 3513.262
- \*July 31 - Protests against independent candidates must be filed by 4 p.m.  
R.C. 3513.262
- August 23 - Names of replacements for withdrawn partisan or independent candidates due by 4 p.m. (76 days before the general) R.C. 3513.31
- August 24 - Nominating petitions of candidates in nonpartisan races must be filed by 4 p.m. (75 days before the general) R.C. 3513.259, .261, .28
- August 31 - Boards of elections must certify validity and sufficiency of candidates' petitions for nonpartisan races (68 days before the general)  
R.C. 3513.263
- \*September 5 - Protests against a candidate's petition in a nonpartisan race must be filed by 4 p.m. (64 days before the general) R.C. 3513.263
- September 18 - Write-in candidates for general election must file declaration of intent by 4 p.m. (50 days before the general) R.C. 3513.041
- \*September 25 - Protests against write-in candidates must be filed by 4 p.m. (45 days before the election) R.C. 3513.041
- \*October 10 - Voter registration closes for general election only (30 days before the general) R.C. 3503.19
- October 26 - Pre-general election campaign finance reports due by 4 p.m. (12 days before the general) R.C. 3517.10
- October 27 - Deadline for filing challengers and witnesses appointments for general election (11 days before the general) R.C. 3505.21
- November 4 - Applications by mail for general election absentee ballots due by noon (three days before the general) R.C. 3509.03, .031, .08, 3511.02
- November 6
- Absentee ballots may be voted at the board of elections until close of regular business hours (day before the election) R.C. 3509.03
  - Amendments to challengers and witnesses appointments due by 4 p.m. (day before the election) R.C. 3505.21

#### November 7 - **General Election**

- December 15 - Post-general election campaign finance reports due by 4 p.m. (38 days after the general) R.C. 3517.10





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